

JUDGE KATHLEEN CARDONE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED

2023 OCT 17 AM 9:10

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY

DEPUTY

UNITED STATES OF AMERICA,

PETITIONER,

v.

\$18,323.00, MORE OR LESS, IN
UNITED STATES CURRENCY,

RESPONDENT.

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CIVIL ACTION NO.

EP23 CV0387

VERIFIED COMPLAINT FOR FORFEITURE

Comes now Petitioner United States of America, acting by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, pursuant to Rule G, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, and respectfully states as follows:

I.

NATURE OF THE ACTION

This action is brought by the United States of America seeking forfeiture to the United States of the property described below:

- **\$18,323.00, more or less, in United States Currency,**

hereinafter referred to as the "Respondent Property".

II.

STATUTORY BASIS FOR FORFEITURE

This is a civil forfeiture action *in rem* brought against the Respondent Property for the violations of Title 8 U.S.C. § 1324(a) and Title 31 U.S.C. § 5316(a)(1)(B), and subject to forfeiture to the United States pursuant to Title 18 U.S.C. § 981(a)(1)(C), Title 8 U.S.C. § 1324(b)(1), and Title 31 U.S.C. § 5317(c)(2)(A).

Title 18 U.S.C. § 981. Civil forfeiture

(a)(1) The following property is subject to forfeiture to the United States:

* * *

(C) Any property, real or personal, which constitutes or is derived from proceeds traceable to a violation . . . of this title or any offense constituting “specified unlawful activity” (as defined in section 1956(c)(7) of this title), or conspiracy to commit such offense.

Title 8 U.S.C. § 1324. Bringing in and harboring certain aliens

* * *

(b) Seizure and Forfeiture

(1) Any conveyance, including any vessel, vehicle, or aircraft, that has been or is being used in the commission of a violation of subsection (a), the gross proceeds of such violation, and any property traceable to such conveyance or proceeds, shall be seized and subject to forfeiture.

Title 31 U.S.C. § 5317. Search and forfeiture of monetary instruments

* * *

(c) Forfeiture. —

* * *

(2) Civil Forfeiture. —

(A) In general. —

Any property involved in a violation of section 5313, 5316, or 5324 of this title, or any conspiracy to commit any such violation, and any property traceable to any such violation or conspiracy, may be seized and forfeited to the United States . . .

III.

JURISDICTION AND VENUE

Under Title 28 U.S.C. § 1345, this Court has jurisdiction over an action commenced by the United States, and under Title 28 U.S.C. § 1355(a), jurisdiction over an action for forfeiture. This Court has *in rem* jurisdiction over the Respondent Property under Title 28 U.S.C. §§ 1355(b) and 1395(b). Venue is proper in this District pursuant to Title 28 U.S.C. § 1355(b)(1)(A), because the acts or omissions giving rise to the forfeiture occurred in this District, and pursuant to Title 28 U.S.C. §§ 1355(b)(1)(B) and 1395(b) because the Respondent Property was seized in this District.

The Respondent Property was seized in the Western District of Texas, on or about February 18, 2023, and turned over to the United States Department of Homeland Security, Customs and Border Protection, and El Paso Fines, Penalties, and Forfeitures (FP&F). The Respondent Property has remained in the custody of FP&F, within the jurisdiction of the United States District Court, Western District of Texas, El Paso Division, and shall remain within the jurisdiction of the court pending litigation of this case.

IV.
FACTS IN SUPPORT OF FORFEITURE

On February 18, 2023, at approximately 14:38 hours, Ana Cristina Alvarez Urias (Urias) applied for admission at the Ysleta Port of Entry in El Paso, Texas. In primary, Urias stated to Customs and Border Protection Officer (CBPO) U. Amaya that she had been in Mexico for the last two weeks, and was returning to Phoenix, Arizona, where she resides. Urias declared \$600 in U.S. currency, and she stated the vehicle (2021 Ford F150 bearing Arizona registration) she was driving belonged to her boyfriend, A.G.R., who was in prison, and herself. Urias was referred for further inspection. In secondary, Urias declared \$13,000 in U.S. currency to CBPO A. Lopez. During further inspection, an additional \$1,367 was found in a small wallet within the vehicle and \$3,014 was found in Urias's purse. CBP seized a total of \$18,323.

CBPO E. Pena then interviewed Urias, and Urias admitted the currency was proceeds from alien smuggling by her boyfriend, A.G.R.. She said she was going to use the currency to bail her boyfriend out of jail because he was incarcerated for alien smuggling. HSI Special Agent (SA) Thomas Belcher was contacted and interviewed Urias after waiving her Miranda rights. Urias stated to SA Belcher that all the money she had was money that A.G.R. had made smuggling aliens previously. Urias also stated that she was aware of the requirement to report currency for \$10,000 but did not declare the currency because she was aware that the currency


was proceeds from the alien smuggling. An Assistant United States Attorney declined prosecution, and Urias was released and admitted into the United States.

V.
PRAYER

WHEREFORE, Petitioner, United States of America, prays that due process issue to enforce the forfeiture of the contents in Respondent Property, that due notice, pursuant to Rule G(4), be given to all interested parties to appear and show cause why forfeiture should not be decreed,¹ that a warrant for an arrest in rem be ordered, that the contents in Respondent Property be forfeited to the United States of America, that the contents in Respondent Property be disposed of in accordance with the law, and for any such further relief as this Honorable Court deems just and proper.

Respectfully submitted,

JAIME ESPARZA
UNITED STATES ATTORNEY

By: 
PATRICIA J. ACOSTA
Assistant United States Attorney
Texas Bar No. 90001590
700 E. San Antonio Ave., Suite 200
El Paso, Texas 79901
Tel: (915) 534-6884
Email: patricia.j.acosta@usdoj.gov

¹ Appendix A, Notice of Complaint of Forfeiture, which is being filed along with this complaint, will be sent to those known to the United States to have an interest in the Respondent Property.

VERIFICATION


Homeland Security Investigations ("HSI") Special Agent Thomas J. Belcher, declares and says that:

1. I am a Special Agent with HSI assigned to the El Paso field office. I am the investigator responsible for the accuracy of the information provided in this litigation.

2. I have read the above Verified Complaint for Forfeiture and know the contents thereof; that the information contained in the Verified Complaint for Forfeiture has been furnished by official government sources; and based upon information and belief, the allegations contained in the Verified Complaint for Forfeiture are true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13 day of October, 2023.



Thomas J. Belcher, Special Agent
Homeland Security Investigations

RECEIVED

OCT 17 2023
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WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERKUNITED STATES DISTRICT COURT
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EL PASO DIVISION

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NOTICE OF COMPLAINT FOR FORFEITURE

On October 17, 2023, the United States of America, by and through its United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, filed a Verified Complaint for Forfeiture against the property described below, which is also specifically described in the Verified Complaint for Forfeiture, and which is subject to forfeiture to the United States pursuant to Title 18 U.S.C. § 981(a)(1)(C), Title 8 U.S.C. § 1324(b)(1), and Title 31 U.S.C. § 5317(c)(2)(A), as property involved in violations of Title 8 U.S.C. § 1324(a) and Title 31 U.S.C. § 5316(a)(1)(B), namely:

- **\$18,323.00, more or less, in United States Currency,**

hereinafter referred to as the “Respondent Property”.

Pursuant to Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, notice to any person who reasonably appears to be a potential claimant shall be by direct notice. Accompanying this notice is the Verified Complaint for Forfeiture which has been filed in this cause and which describes the Respondent Property. Pursuant to Supplemental Rule G(4)(b), any person claiming an interest in the Respondent Property who has received direct notice of this forfeiture action must file a Claim in compliance

with Rule G(5)(a), with the court within **thirty-five (35) days after the notice was sent, if delivered by mail (if mailed, the date sent is provided below), or within 35 days of the date of delivery, if notice was personally served.** An Answer or motion under Rule 12 of the Federal Rules of Civil Procedure must then be filed within **twenty-one (21) days** of the Claim being filed. The Claim and Answer must be filed with the Clerk of the Court, 525 Magoffin, Suite 105, El Paso, Texas 79901, and copies of each must be served upon Assistant United States Attorney Patricia J. Acosta, 700 E. San Antonio Ave, Suite 200, El Paso, Texas 79901, or default and forfeiture will be ordered. *See* Title 18 U.S.C. § 983(a)(4)(A) and Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claim and Asset Forfeiture Actions.

Failure to follow the requirements set forth above will result in a judgment by default taken against you for the relief demanded in the complaint.

DATE NOTICE SENT: _____

JAIME ESPARZA
UNITED STATES ATTORNEY

By: _____
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